

REMARKS

Claims 1 and 3-10 are pending in the application and were rejected on a new basis, not previously presented. Claims 1 and 3-5 have been amended in response to the advisory action. It is Applicants position that the new basis of the rejections does not present a prima facie showing of obviousness because the references, even in combination, fail to meet all the limitations of the claims.

In response to the Examiner's objection about the Abstract, the Abstract has been amended to replace the word "said" and to arrange the format as a single paragraph. Thus it is believed that the Application is in condition for allowance.

35 U.S.C. § 103

Claims 1 and 4-10 were newly rejected under 35 U.S.C. 103(a) as being unpatentable over Horn, U.S. Patent No. 5,076,210, in view of Mickelsen et al., U.S. Patent No. 4,337,727. Applicant asserts that no prima facie showing of obviousness has been presented for the following reasons.

Claim 1 recites that a first side of the cage is provided with openings and a second side, located opposite the first side, is provided with couplings for attaching the cage to a transporter.

Horn teaches a trough 21 having two closed sides of a cage, opposite each other, (the end walls) and having the other sides of the cage formed by a longitudinal screen structure 22 (Figs. 1-8) (the side walls). The screen, by its very nature, allows the free circulation of water, as is visually shown in all the figures in Horn and as comprehended by use of the term "screen". Yet, the Examiner reasoned that "[it] would have been obvious to provide that the second side wall of Horn have openings as taught by Mickelsen et al., in order to better facilitate the free circulation of water throughout the enclosure." Since the screen structure of Horn already allows the free circulation of water, there would have been no reason to make the adaptation required by the Examiner's grounds for the rejection. Therefore, the Examiner has not provided the necessary rational basis for making any modification of the Horn cages.

Still further, according to the Examiner's reasoning, the limitations in claim 1 which require a first side having openings and a second side opposite the first side having couplings are met by Horn's end walls (24) combined with the Mickelsen's teaching of mesh side walls. (See

Office Action at page 3, first paragraph). However, claim 1 recites the further limitation that engagement of said cage onto said transporter provides for mechanical repositioning of said cage by said transporter to achieve a plurality of positions, wherein *said first side faces upwards, ...faces sideways, ...and faces downward*. As seen in the Horn's figures 1-6, Horn's end walls 24, only face sideways while engaged on the mechanical transporter. The manner in which they are engaged on the carousel prohibits an end wall 24 from facing upward or downward. The Examiner's combination of Horn and Mickelsen does not cure this defect. Therefore, the Examiner has not presented a prima facie showing of obviousness.

For similar reasons, the limitation of claim 5, which requires that "said first side of said cage faces upwards when the cage is at the upper part of said transporter" is not met by the combination of references. Similarly the limitation of claims 7-10, which require the first side of the cage to face upwards when the upper end of the transporter has a vertical position and the first side of the cage to face downward when the lower end of the transporter has a vertical position is not met by the combination of references.

For all these reasons, it is respectfully requested that the rejection of the claims be reconsidered and withdrawn.

Claim 3 was rejected under 35 U.S. C 103(a) as being unpatentable over Horn in view of Mickelsen et al. as applied to claim 1 and further in view of Neff, U.S. Patent No. 4,019,459. Applicant disagrees with the rejection for the following reasons.

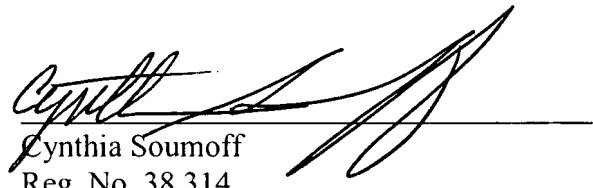
Claim 3 incorporates the limitations of claim 1 which, as discussed above, are not fully provided for by Horn in view of Mickelsen et al. The further combination with Neff does not cure this defect. The combination of the three references as detailed by the Examiner does not provide for a cage having a first side provided with openings and a second side, located opposite the first side, provided with couplings for attaching the cage to a transporter, wherein the first side can be repositioned by the transporter to face upward or downward.

In view of all the stated deficiencies, Applicant requests that the rejection be reconsidered and withdrawn.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should she believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: October 15, 2007


Cynthia Soumoff
Reg. No. 38,314
Attorney for Applicant

MATHEWS, SHEPHERD, McKAY & BRUNEAU, P.A.
29 Thanet Road, Suite 201
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036